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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,769	07/01/2003	Dimitri Peter Zafiroglu	SWZ-007	2175

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EXAMINER

MATZEK, MATTHEW D

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/611,769	Applicant(s) ZAFIROGLU, DIMITRI PETER	
	Examiner MATTHEW D. MATZEK	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-9,11-13,15,23-25,56-64,66,68-72,74-80,82-87,89-91 and 93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,6-9,11-13,15,23-25,56-64,66,68-72,74-80,82-87,89-91 and 93 is/are rejected.
- 7) ☒ Claim(s) 85 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. The amendment dated 8/29/2008 has been fully considered and entered into the Record. Claims 2, 3, 6-9, 11-13, 15, 23-25, 56-64, 66, 68-72, 74-80, 82-87, 89-91 and 93 remain active.

Response to Arguments

2. Applicant's arguments, see Remarks, filed 8/29/2008, with respect to the rejection(s) of claim(s) 2, 3, 6-9, 11-13, 15, 23-25, 56-64, 66, 68-72, 74-80, 82-87, 89-91 and 93 under Sidles along with additional secondary references have been fully considered and are persuasive.

Therefore, the rejections have been withdrawn.

Claim Objections

3. Claim 85 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 64 and 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 2,748,446).

a. Mason discloses a hooked rug wherein the pile or tufts are punched, stitched or hooked into a woven fabric backing (col. 1, lines 15-22); Examiner has equated the combination of the two to the claimed fibrous face layer. On the back side of this article, (i.e. the bottom side of the woven fabric) an elastic matrix is used to anchor the tufts and

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the woven fabric together (col. 1, lines 65-70) and penetrates into the woven fabric (col. 2, lines 15-18) and encounters both the tufts/pile and the woven backing. The ends of the tufts, which serve as the top surface of the fibrous face layer, may be cut or sheared (col. 3, lines 35-38) and remain adhesive free. The cured adhesive forms a solid adhesive fabric or film. The overall rug is capable of being embossed. Calendaring may be used to apply the adhesive layer and would assist in the adhesive penetrating into the bottom of the fibrous face layer (col. 2, lines 28-33). The adhesive layer may be cured/dried via the application of thermal energy (col. 2, lines 30-38).

b. Mason fails to explicitly disclose the depth in which the adhesive layer penetrates the fibrous face layer. The relative depth in which the adhesive layer penetrates the fibrous face is a result-effective variable affecting the strength and stability of the composite (col. 3, lines 1-18). Consequently, absent a clear and convincing showing of unexpected results demonstrating the criticality of the impregnation depth, it would have been obvious to one of ordinary skill in the art to optimize this result-effective variable by routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977).

5. Claims 23, 56, 58, 59, 61, 66, 68-70, 78, 82, 84, 85, 89 and 93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 2,748,446) as applied above to claims 64 and 91, and further in view of Schmiedel (US 1,798,277). Mason fails to teach or suggest the addition of a backing layer on the other side of the solid adhesive layer.

a. Schmiedel discloses a hooked rug (col. 1, lines 11-14) that comprises multiple backing layers **12** (Figure 5) that are stitched together with the fibrous face layer of the rug for dimensional support (col. 2, lines 55-77).

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b. Since Mason and Schmiedel are from the same field of endeavor (i.e. hooked rugs), the purpose disclosed by Schmiedel would have been recognized in the pertinent art of Mason.

c. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Mason by stitching the additional backing layers of Schmiedel to the Mason article with the motivation of providing additional dimensional support as disclosed by Schmiedel (col. 2, lines 55-77).

6. Claims 2, 3, 6, 7, 63, 79, 80, 83, 86, 87 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 2,748,446) in view of Schmiedel (US 1,798,277) as applied to claims 56, 58 and 59 above, and further in view of Sissons (US 3,347,736). Mason and Schmiedel fail to teach or suggest a specific needling density.

a. Sissons teaches a reinforced needled pile fabric with a reinforcing woven fabric within the pile layer (col. 3, lines 35-44). Example 5 uses fibers with a denier of 3. Example 1 uses a needling density of 600 punches per square inch. Sissons uses fabric face layers that range from 6-15 ounces per square yard (203-509 gsm) and thickness of half an inch (col. 8, lines 8-15).

b. Since Mason and Sisson are from the same field of endeavor (i.e. pile fabrics), the purpose disclosed by Sisson would have been recognized in the pertinent art of Mason.

c. It would have been obvious to one ordinary skill in the art at the time the invention was made to have looked to the prior art to suggest fabric thicknesses and basis weights as well as a needling density that would yield a successful needled fabric

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composite and in turn optimize said needling density to arrive at the claimed density based upon a desired aesthetic and feel to the final pile fabric.

7. Claims 8, 11, 12, 15, 57, 60, 62, 74, 76 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 2,748,446) in view of Schmiedel (US 1,798,277) as applied to claims 56, 58 and 59 above, and further in view of view of Zafiroglu et al. (US 6,269,759). The disclosures of Mason and Schmiedel are silent as to the combination of stitch-bonded and bulked fabrics in the fibrous outer layer.

a. Zafiroglu et al. teach the creation of pile fiber carpet using stitch-bonded and bulked fabrics with a loop frequency of 12 per inch (Example 1). The stitches may be arranged to create various patterns or surface effects (col. 13, lines 1-5). The illustrated loops of Figure 5c read on the “gathered fabric” limitations as they appear to be structurally similar.

b. Since Mason and Zafiroglu et al. are from the same field of endeavor (i.e. fabric composites), the purpose disclosed by Zafiroglu et al. would have been recognized in the pertinent art of Mason.

c. It would have obvious at the time the invention was made to a person having ordinary skill in the art to modify the article Mason with the fabrics of Zafiroglu et al. motivated by the creation of an aesthetically pleasing article.

8. Claims 71, 72 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 2,748,446) in view of Schmiedel (US 1,798,277) and Zafiroglu et al. (US 6,269,759) as applied to claim 57 above, and further in view of Sissons (US 3,347,736). Mason, Schmiedel and Zafiroglu et al. fail to teach or suggest fabric thicknesses and basis weights.

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- b. Sissons teaches a reinforced needled pile fabric with a reinforcing woven fabric within the pile layer (col. 3, lines 35-44). Example 5 uses fibers with a denier of 3. Example 1 uses a needling density of 600 punches per square inch. Sissons uses fabric face layers that range from 6-15 ounces per square yard (203-509 gsm) a thickness of half an inch (col. 8, lines 8-15).
 - b. Since Mason and Sisson are from the same field of endeavor (i.e. pile fabrics), the purpose disclosed by Sisson would have been recognized in the pertinent art of Mason.
 - c. It would have been obvious to one ordinary skill in the art at the time the invention was made to have looked to the prior art to suggest fabric thicknesses and basis weights as well as a needling density that would yield a successful needled fabric composite and in turn optimize said needling density to arrive at the claimed density based upon a desired aesthetic and feel to the final pile fabric.
- 9. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 2,748,446) in view of Schmiedel (US 1,798,277) and Zafiroglu et al. (US 6,269,759) as applied to claims 8 and 12 above, and further in view of Murata et al. (US 4,576,840). The disclosures of Mason, Schmiedel and Zafiroglu et al. are silent as to the stitch-bonded and bulked fabrics made of shrinkable yarns in the fibrous outer layer.
 - a. Murata et al. teach a pile fiber composition comprising shrinkable pile fibers in the creation of a woven or knitted pile fabric (abstract).
 - b. Since Mason and Murata et al. are from the same field of endeavor (i.e. fabric composites), the purpose disclosed by Murata et al. would have been recognized in the pertinent art of Mason.

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c. It would have obvious at the time the invention was made to a person having ordinary skill in the art to modify the Mason article with a woven or knitted carpet of shrinkable fibers motivated by the use of conventional techniques within carpet making with the desire to create an article with outstanding appearance and feel (Murata et al. Abstract).

10. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mason (US 2,748,446) in view of Schmiedel (US 1,798,277) as applied to claim 56 above, and further in view of view of Allison et al. (US 2003/0099810). Mason and Schmiedel fail to teach or suggest the use of a spunlaced fabric for the fabric layer, through which the fabric is needled.

a. Allison et al. teach the creation of carpeting for vehicles that comprises a primary layer **12** that may be a spunlaced fabric [0024].

b. Since Mason and Allison et al. are from the same field of endeavor (i.e. pile fabrics), the purpose disclosed by Allison et al. would have been recognized in the pertinent art of Mason.

c. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have made the article of Mason with the spunlaced fabric layer of Allison et al. The skilled artisan would have been motivated by the desire to create an article with added stability provided by the spunlaced fabric.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW D. MATZEK whose telephone number is (571)272-2423. The examiner can normally be reached on M-F, 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571.272.1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew D Matzek/
Examiner, Art Unit 1794